



**SPECIAL CITY COUNCIL MEETING
RICHFIELD MUNICIPAL CENTER, BARTHOLOMEW ROOM
AUGUST 24, 2015
6:00 PM**

Call to order

1. Consideration of a request for the City Council to confirm the appointment of Kristin Asher as Public Works Director for the City of Richfield.

Staff Report No. 124

2. Consideration of a resolution and the first reading of an ordinance establishing a one-year moratorium on the consideration of wireless telecommunication facilities and antennas in City, County, and State right-of-ways throughout the City.

Staff Report No. 125

3. Discussion of the 2015 Revised/2016 Proposed Budget and 2016 preliminary tax levy.

Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.



STAFF REPORT NO. 124
CITY COUNCIL MEETING
8/24/2015

REPORT PREPARED BY: Steven L. Devich, City Manager

DEPARTMENT DIRECTOR REVIEW: Steven L. Devich
8/19/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich
8/19/2015

ITEM FOR COUNCIL CONSIDERATION:

Consideration of a request for the City Council to confirm the appointment of Kristin Asher as Public Works Director for the City of Richfield.

EXECUTIVE SUMMARY:

Since former Public Works Director Mike Eastling retired effective April 30, 2015, Assistant Public Works Director Kristin Asher has been serving as Acting Public Works Director. During that time, Ms. Asher has done an excellent job of performing the duties of Public Works Director. Moreover, Ms. Asher's relevant progressive work experience, extensive education and training make her very well qualified to assume the position.

In July, the City Manager informed the City Council that the position of Public Works Director would be posted as an internal recruitment. Ms. Asher was the only applicant for the position. As a result of this recruitment, and based on Ms. Asher's excellent performance in her role as Acting Public Works Director, she has been selected by the City Manager for appointment to the position of Public Works Director.

Ms. Asher has worked for the City of Richfield since 2004. She has served in several positions in the Public Works Department, including: Project Engineer, Assistant City Engineer, City Engineer and Assistant Public Works Director/City Engineer.

Ms. Asher holds a Bachelor's Degree in Civil Engineering from the University of Minnesota and is a licensed Professional Engineer. She also earned an Advanced Human Resources Certificate for Public Works Professionals and Leadership Academy Certificate from Hamline University.

She is a member of several Local, State, and National Organizations. They are listed as follows:

- American Public Works Association - Member and past Executive Board Member
- Women in Transportation Studies - Member and past MN President
- City Engineers Association of Minnesota - Member

RECOMMENDED ACTION:

By motion: Confirm the appointment of Kristin Asher as the Public Works Director for the City of Richfield.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

Historical Context is contained in the Executive Summary.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

According to Richfield City Charter Section 6.02 Powers and Duties of the City Manager, subsection 3, and under Richfield City Code Section 310.01 Subd. 3, Charter authority, appointment or removal of department heads shall be made final only upon a majority vote of the Council.

C. CRITICAL TIMING ISSUES:

The Public Works Department has been without a permanent Director since the retirement of Mike Eastling. Ms. Asher has been serving as Acting Public Works Director since that time.

It is the City Manager's intention to get this appointment confirmation request to the City Council before the end of the month of August to conclude the process. Ms. Asher will be in attendance at the September 8 Special City Council meeting to be introduced to the public.

D. FINANCIAL IMPACT:

The 2015 Budget includes the funding necessary to provide for the salary and benefit contributions as negotiated.

E. LEGAL CONSIDERATION:

According to Richfield's City Code, the City Council must approve the selection of Ms. Asher before she is appointed Public Works Director.

ALTERNATIVE RECOMMENDATION(S):

The Council may reject the candidate and direct the City Manager to undertake a new selection process.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None.



STAFF REPORT NO. 125
CITY COUNCIL MEETING
8/24/2015

REPORT PREPARED BY: Melissa Poehlman, City Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
8/19/2015

OTHER DEPARTMENT REVIEW: Mary Tietjen, City Attorney

CITY MANAGER REVIEW: Steven L. Devich
8/19/2015

ITEM FOR COUNCIL CONSIDERATION:

Consideration of a resolution and the first reading of an ordinance establishing a one-year moratorium on the consideration of wireless telecommunication facilities and antennas in City, County, and State right-of-ways throughout the City.

EXECUTIVE SUMMARY:

The City has recently been approached by a company called Mobilitie who is interested in deploying additional wireless technology in the community. This new technology, called "Small Cell," is a wireless access point that is intended to improve wireless connectivity, coverage and performance. The equipment can be installed on existing utility poles or on new 30-35 foot tall poles. Thus far, Mobilitie has indicated a desire to install six small cell packages within the City's right-of-way.

After consultation with the City Attorney's Office and with the City's own telecommunication consultant, staff feels that additional research is necessary to understand exactly what this could mean for the City. A number of questions have arisen related to Mobilitie's rights as a registered public utility, the City's rights to restrict such uses within the right-of-way, the City's policy to pursue underground utilities whenever possible, aesthetics, co-location requirements and/or capabilities, and more. In order to properly study this issue, staff is recommending adoption of a one-year moratorium on consideration of new wireless telecommunication facilities and antennas in right-of-ways throughout the City. If determined necessary, this moratorium will give the City time to amend related Ordinances. During the moratorium period, applications for any approvals related to wireless telecommunication facilities and antennas in right-of-ways shall not be accepted.

RECOMMENDED ACTION:

By Motion: Approve the attached resolution and conduct a first reading of an ordinance establishing a one-year moratorium on consideration of wireless telecommunication facilities and antennas in City, County, and State right-of-ways throughout the City. Schedule a public hearing and second reading of the attached ordinance for September 8, 2015.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

None

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- Currently, City Ordinances allow wireless telecommunication facilities and antennas to co-locate with existing poles or towers in the City, County, or State right-of-way within any zoning district (Subsection 544.25, Subd. 15).
- State Law allows cities to adopt interim ordinances for the purposes of protecting the planning process and the health, safety and welfare of its citizens.
- The City Attorney agrees that the adoption of a moratorium ordinance related to telecommunication facilities and antennas in the public right-of-ways would be appropriate while the City studies this new technology and its potential impacts.

C. CRITICAL TIMING ISSUES:

- The City has had one inquiry related to deployment of "small cell" technology. Until this item can be fully examined, a moratorium should be enacted.
- The proposed moratorium period is one year. The City can repeal the moratorium at an earlier time if studies have been completed and necessary ordinance changes adopted.

D. FINANCIAL IMPACT:

None

E. LEGAL CONSIDERATION:

- The City Attorney has reviewed the attached Resolution and Ordinance.
- A public hearing and second reading of the attached Ordinance will be held on September 8, 2015.

ALTERNATIVE RECOMMENDATION(S):

- Do not approve or approve with modifications, the attached Resolution and Ordinance.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Legal Counsel

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Resolution	Resolution Letter
<input type="checkbox"/> Ordinance	Ordinance

**CITY OF RICHFIELD
STATE OF MINNESOTA**

RESOLUTION NO. _____

**A RESOLUTION ESTABLISHING A MORATORIUM ON THE CONSIDERATION OF
WIRELESS TELECOMMUNICATION FACILITIES AND ANTENNAS IN CITY,
COUNTY, AND STATE RIGHT-OF-WAYS,
AND DIRECTING THAT A PLANNING STUDY BE CONDUCTED**

WHEREAS, the City of Richfield regulates the installation of wireless telecommunication facilities and antennas both on private property and within public right-of-ways throughout the City; and

WHEREAS, the City of Richfield regulates telecommunication equipment and antennas in order to protect the public health, safety and general welfare of the community through minimizing adverse visual effects, avoiding potential damage from structural failures and to minimize the number of towers needed to serve the community; and

WHEREAS, the City of Richfield regulates the placement of utilities in order to promote the health, safety and general welfare of the public through policies that foster safe travel over the right-of-way, safety around homes and buildings where overhead feeds are connected and orderly development in the City. In accordance with City Ordinances, the City is pursuing the undergrounding of utilities alongside road reconstruction projects along the City major corridors; and

WHEREAS, Representatives of a telecommunication company have contacted many cities within Minnesota, including the City of Richfield, indicating a desire to install a new "Small Cell" technology both on existing power poles and on new poles within the public right-of-way; and

WHEREAS, City staff has received information that this new technology may be more common in the very near future; and

WHEREAS, the City of Richfield has the authority, pursuant to common law and Minnesota Statutes to regulate the installation of utilities and telecommunications right-of-way users within the public right-of-way; and

WHEREAS, Richfield City Ordinances do not contemplate this type of new technology; and

WHEREAS, the City's consultants have recommended that the City study and engage in deliberation of all of the issues pertaining to the development of Small Cell sites in the City and to evaluate the need for additional standards to regulate these facilities; and

WHEREAS, the installation of additional above-ground utilities in the public right-of-way has the potential to negatively impact the health, safety and welfare of the community if not properly regulated; and

WHEREAS, the City Council has determined a need to undertake a study to determine the appropriate permitting and land use controls for new telecommunication facilities and antennas within the public right-of-way; and

WHEREAS, upon completion of the study, the City Council, together with such city commissions as the City Council deems appropriate or as may be required by law, will consider the advisability of amending certain official controls.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota as follows:

1. The City Council finds that it is necessary to conduct planning studies to determine the appropriate permitting and land use controls that should apply to wireless telecommunication facilities and antennas in the City, County and State right-of-ways.

2. The purpose of the studies to be conducted includes, but is not limited to determining the appropriate permitting and licensing standards, and land use and development standards that should apply to wireless telecommunication facilities and antennas in the City, County and State right-of-ways and determining the appropriate changes, if any, that should be made to City Ordinances.

3. The City Council finds that there is a need to adopt a City-wide moratorium, while the studies referenced in paragraph 1 of this resolution are being conducted.

4. The City Council finds that this moratorium applies to, but is not limited to, the following types of land use applications: right-of-way permits, boulevard feature permits, antenna permits, building permits, and electrical permits for installation, construction or operation of wireless telecommunication facilities and antennas in the City, County and State right-of-ways.

5. A study is authorized to be conducted by City staff, to be followed by consideration of potential changes to the City's Ordinances by the City Council and such other commissions of the City as required by law or as directed by the City Council.

6. Pending completion of the study and adoption of any amendments to the City's official controls, a moratorium is established on the issuance of City approvals for or related to the installation, construction or operation of any wireless telecommunication facilities and antennas in the City, County and State right-of-ways.

7. During the period of the moratorium, applications for any such approvals related to wireless telecommunication facilities and antennas in the City, County and State right-of-ways shall not be accepted by the City nor shall the Planning Commission or City Council consider or grant approval of any such application.

8. The Moratorium established by this resolution shall apply to any application pending as of the date of this resolution.

9. Unless earlier repealed by the City Council, the moratorium established under this resolution shall remain in effect until August 23, 2016.

10. This resolution is effective upon adoption.

Debbie Goettel, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

**CITY OF RICHFIELD
STATE OF MINNESOTA**

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING A MORATORIUM ON THE CONSIDERATION OF
WIRELESS TELECOMMUNICATION FACILITIES AND ANTENNAS IN THE CITY,
COUNTY AND STATE RIGHT-OF-WAYS,
AND DIRECTING THAT A PLANNING STUDY BE CONDUCTED**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. Background.

- 1.01. The City of Richfield regulates the installation of wireless telecommunication facilities and antennas both on private property and within the public right-of-ways throughout the City.
- 1.02. The City of Richfield requires that facilities newly installed, constructed or otherwise placed in the public right-of-way must be located and maintained underground, subject to limited exceptions.
- 1.03. The City has received an inquiry about potential installation of new wireless telecommunication facilities and antennas in the public right-of-way. The type of technology contemplated was not previously available and this inquiry makes clear the need for the City to study and determine whether it should revise official controls related to wireless telecommunication facilities and antennas in the public right-of-way.
- 1.04. The installation of additional above-ground utilities in the public right-of-way has the potential to negatively impact the health, safety and welfare of the community if not properly regulated.
- 1.05. The City's consultants have recommended that the City study and engage in deliberation of all of the issues pertaining to the development of Small Cell sites in the City and to evaluate the need for additional standards to regulate these facilities.
- 1.06. The City Council has determined a need to undertake a study to determine the appropriate permitting and land use controls for wireless telecommunication facilities and antennas in the public right-of-way.
- 1.07. Upon completion of the study, the City Council, together with such city commissions as the City Council deems appropriate or as may be required by law, will consider the advisability of amending certain official controls.
- 1.08. Minnesota Statutes, Section 462.355, Subdivision 4 allows the City to adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens.

Sec. 2. Findings.

- 2.01 The City of Richfield has the authority, pursuant to common law and Minnesota Statutes to regulate the installation of utilities and telecommunications right-of-way users within the public right-of-way.
- 2.02 The City Council finds that it is necessary to conduct planning studies to determine the appropriate permitting and land use controls that should apply to wireless telecommunication facilities and antennas in the public right-of-way and to protect the planning process and the health, safety, and welfare of its citizens.
- 2.03 The purpose of the studies to be conducted includes, but is not limited to determining the appropriate permitting and licensing standards, and land use and development standards that should apply to wireless telecommunication facilities and antennas in the public right-of-way and determining the appropriate changes, if any, that should be made to City Ordinances.
- 2.04 The City Council finds that there is a need to adopt a City-wide moratorium Ordinance, while the studies referenced in Section 2.01 are conducted.
- 2.05 The City Council finds that this moratorium applies to, but is not limited to, the following types of land use applications: right-of-way permits, boulevard feature permits, antenna permits, building permits, and electrical permits for installation, construction or operation of wireless telecommunication facilities and antennas in the public right-of-way.

Sec. 3. Planning Study: Moratorium.

- 3.01. A study is authorized to be conducted by City staff, to be followed by consideration of potential changes to the City's Ordinances by the City Council and such other commissions of the City as required by law or as directed by the City Council.
- 3.02. Pending completion of the study and adoption of any amendments to the City's official controls, a moratorium is established on the issuance of City approvals for or related to the installation, construction or operation of wireless telecommunication facilities and antennas in the public right-of-way.
- 3.03 During the period of the moratorium, applications for any such approvals related to wireless telecommunication facilities and antennas in the public right-of-way shall not be accepted by the City nor shall the Planning Commission or City Council consider or grant approval of any such application.
- 3.04 The moratorium established by this Ordinance shall apply to any application pending as of the date of this Ordinance. Any application submitted to which the moratorium applies shall be denied unless the application includes a specific request that it be excepted from the Moratorium, in which case the City staff shall submit the application to the City Council for consideration of granting an exception.

3.05 The City Council may approve exceptions to this Moratorium for an application if the City Council, in its sole discretion, determines that the approval being sought will not interfere with the purposes for which this moratorium was adopted.

Sec. 4. Enforcement. The City may enforce this Ordinance by mandamus, injunction or other appropriate civil remedy in any court of competent jurisdiction.

Sec. 5. Term. Unless earlier repealed by the City Council, the moratorium established under this Ordinance shall remain in effect until August 23, 2016. The moratorium may be extended for a reasonable time, in accordance with Minnesota Statutes Section 462.355.

Sec. 6. Effective Date. This Ordinance is effective as provided by Section 3.09 of the Richfield City Charter.

Debbie Goettel, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk